

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED
BILLINGS, MT

2006 DEC 1 PM 2 14
PATRICK E. DUFFY, CLERK
BY _____
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RONALD G. LOOMAN,)	CV-05-89-BU-RFC
)	
Plaintiff,)	
vs.)	
)	ORDER ADOPTING FINDINGS
OFFICER MIKE WICK et al.,)	AND RECOMMENDATIONS OF
)	UNITED STATES
Defendants.)	MAGISTRATE JUDGE
_____)	

On November 7, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Plaintiff's Complaint be dismissed with prejudice and that the docket reflect that the filing of this action counts as one strike against Plaintiff for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(g).

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections.¹ 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed his Objections to Magistrate Finding and Recommendation on November 28, 2006. Defendant's objections are not well-taken.

After a de novo review, the Court determines the Findings and Recommendation of

¹In prisoner cases, this Court extends the time to object to twenty days in order to take into account the Supreme Court's ruling in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988), and the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.

Magistrate Judge Anderson are well grounded in law and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint (*Doc. 1*) is **DISMISSED WITH PREJUDICE**. The docket shall reflect, pursuant to 28 U.S.C. § 1915(g), that the filing of this action counts as one strike against Plaintiff for failure to state a claim on which relief may be granted.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 18th day of December, 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE